

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Samantha J. Busfield
Application No.: 09/934,289 Group No.: 1648
Filed: August 21, 2001 Examiner: Mary Mosher
For: NOVEL MOLECULES OF THE HERPES VIRUS-ENTRY-MEDIATOR-RELATED PROTEIN FAMILY AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION RELATED TO AVAILABILITY OF ATCC DEPOSIT

Sir:

I, Jean M. Silveri, hereby declare that:

1. I am the attorney of record in the above-identified patent application.
2. Plasmids containing clone T198b, encoding human sHVEM2 polypeptides described in the above-identified patent application, were deposited with the American Type Culture Collection (ATCC®), 10801 University Boulevard, Manassas, VA 20110-2209, on

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

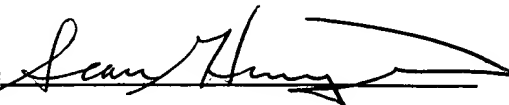
37 C.F.R. SECTION 1.8(a)**37 C.F.R. SECTION 1.10***

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address" Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: November 14, 2003Sean Hunziker

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

March 19, 1999 under the terms of the Budapest Treaty and assigned (composite) ATCC®
Accession Number 207173.

3. Upon granting of a patent on the above-identified patent application, all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issued thereon.

November 14, 2003

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By


Jean M. Silveri

Registration No. 39,030

75 Sidney Street

Cambridge, MA 02139

Telephone - 617-679-7336

Facsimile - 617-551-8820

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Samantha J. Busfield,
Application No.: 09/934,289 Group No.: 1648
Filed: August 21, 2001 Examiner: Mary Mosher
For: NOVEL MOLECULES OF THE HERPESVIRUS-ENTRY-MEDIATOR-RELATED PROTEIN FAMILY AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF DECLARATION RELATED TO AVAILABILITY OF ATCC
DEPOSIT

Dear Sir:

Transmitted herewith are:

- ☒ Declaration Related to Availability of ATCC Deposit (2 pages).
- ☒ Copy of the Deposit receipt (1 page).

No extensions of time are believed to be required for submission of the enclosed Statement. However, in the event any additional fees are required, the undersigned hereby requests any extensions of time as necessary, the Commissioner is hereby authorized to charge any necessary fees associated with this communication or credit any overpayment to Deposit Account No. 501668.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail.
- ☐ as "Express Mail Post Office to Addressee" Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

(type or print name of person certifying)

Date: November 14, 2003

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

November 14, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By

A handwritten signature in black ink, appearing to read "Jean M. Silveri", written over a horizontal line.

Jean M. Silveri

Registration No. 39,030

75 Sidney Street

Cambridge, MA 02139

Telephone - 617-679-7336

Facsimile - 617-551-8820

7731098-61 CD1 ?

ATCC



10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Biotherapeutics, Inc.
Attn: Sam Busfield
620 Memorial Drive
Cambridge, MA 02139

Deposited on Behalf of: Millennium Biotherapeutics, Inc.

Identification Reference by Depositor:

ATCC Designation

<i>Escherichia coli</i> DH5 α transformed human T198d in the plasmid vector pMET7, EpthLa054c07	207171
<i>E. coli</i> DH5 α transformed with human T198c in the plasmid vector pMET7, EpthLa059c04	207172
<i>E. coli</i> DH5 α transformed with human T198b in the plasmid vector pMET7, Epthdc089g02	207173

The deposits were accompanied by: a scientific description X a proposed taxonomic description indicated above. The deposits were received March 19, 1999 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested March 25, 1999. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey, Administrator, Patent Depository

Date: March 25, 1999

cc: Jean M. Silveri, Esq.